

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

I. County of Filing or District Court Jurisdiction: KENNEBEC		
II. CAUSE OF ACTION (Cite the primary civil statutes under which you are filing, if any.) <i>Pro se</i> plaintiffs: If unsure, leave blank.		
III. NATURE OF FILING <input checked="" type="checkbox"/> Initial Complaint <input type="checkbox"/> Third-Party Complaint <input type="checkbox"/> Cross-Claim or Counterclaim <input type="checkbox"/> If Reinstated or Reopened case, give original Docket Number _____ (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)		
IV. <input type="checkbox"/> TITLE TO REAL ESTATE IS INVOLVED		
V. MOST DEFINITIVE NATURE OF ACTION. (Place an X in one box only) <i>Pro se</i> plaintiffs: If unsure, leave blank.		
<u>GENERAL CIVIL (CV)</u>		
Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort	Contract <input type="checkbox"/> Contract Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures	<input type="checkbox"/> Other Forfeitures/Property Libels <input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil
<input type="checkbox"/> Non-DHS Protective Custody		
<u>SPECIAL ACTIONS (SA)</u>		
<input type="checkbox"/> Money Judgment <input type="checkbox"/> Money Judgment Request Disclosure		
<u>REAL ESTATE (RE)</u>		
Title Actions <input type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	Foreclosure <input type="checkbox"/> Foreclosure for Non-pmt (ADR exempt) <input type="checkbox"/> Foreclosure - Other Trespass <input type="checkbox"/> Trespass	Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Lien <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Other Real Estate
<u>APPEALS (AP) (To be filed in Superior Court) (ADR exempt)</u>		
<input type="checkbox"/> Governmental Body (80B) <input type="checkbox"/> Administrative Agency (80C) <input type="checkbox"/> Other Appeals		
VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR): <input type="checkbox"/> I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because: <input type="checkbox"/> It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction). <input type="checkbox"/> The plaintiff or defendant is incarcerated in a local, state or federal facility. <input type="checkbox"/> The parties have participated in a statutory prelitigation screening process with _____ (name of neutral) on _____ (date). <input type="checkbox"/> The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date). <input type="checkbox"/> This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.		

- VII. (a) ☒ PLAINTIFFS (Name & Address including county)
 or ☐ Third-Party, ☐ Counterclaim or Cross-Claim Plaintiffs
☐ The plaintiff is a prisoner in a local, state or federal facility.

Blake Harwood
 63 Middle Street
 Hallowell (Kennebec) ME 04347

- (b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,
 (If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Stephen C. Smith Bar No. 8720
 LIPMAN & KATZ, PA
 PO Box 1051
 Augusta, ME 04332-1051
 207-622-3711

- VIII. (a) ☒ DEFENDANTS (Name & Address including county)
 and/or ☐ Third-Party, ☐ Counterclaim or ☐ Cross-Claim Defendants
☐ The defendant is a prisoner in a local, state or federal facility.

City of Waterville
 One Common Street
 Waterville, ME 04901

Brian Gardiner, individually and as Police Officer
 Waterville Police Department
 10 Colby Street
 Waterville, ME 04901

Joseph Massey, individually and as Chief of Police
 Waterville Police Department
 10 Colby Street
 Waterville, ME 04901

Adam Sirios, individually and as Police Officer
 Waterville Police Department
 10 Colby Street
 Waterville, ME 04901

- (b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)
 (If known)

If all counsel listed do NOT represent all
 defendants, specify who the listed attorney(s)
 represent.

IX. RELATED CASE(S) IF ANY _____

Assigned Judge/Justice _____

Docket Number _____

Date: January 5, 2016

Stephen C. Smith

Name of Lead Attorney of Record or *Pro se* Party

[Signature]
 Signature of Attorney or *Pro se* Party

c:

STATE OF MAINE
KENNEBEC, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO.

BLAKE HARWOOD, an individual
residing in Hallowell, County of Kennebec,
State of Maine,

Plaintiff

v.

Complaint

CITY OF WATERVILLE,

JOSEPH MASSEY, in his official and
individual capacity;

BRIAN GARDINER, in his individual capacity;

ADAM SIROIS, in his individual capacity;

Defendants

NOW COMES, Plaintiff Blake Harwood, by and through his attorney, Stephen C. Smith, Esq., and hereby submits the following complaint against Brian Gardiner, et al:

I. PRELIMINARY STATEMENT

1. Blake Harwood brings this action seeking relief for violations of his civil rights after being falsely arrested, subjected to excessive force, and malicious prosecution by the Waterville Police Department and

Officers Brian Gardiner and Adam Sirois; as result of these violations of his rights, Mr. Harwood was incarcerated, suffered physical injuries, emotional distress and fear, and incurred legal and medical expenses.

II. PARTIES

2. At all times relevant to these claims, Blake Harwood was over the age of 18 and a resident of the State of Maine.
3. At all times relevant to these claims, the City of Waterville was a municipality in the State of Maine and the employer of the defendant police officers.
4. At all times relevant to these claims, Joseph Massey was the Chief of Police for the Waterville Police Department and the final policymaker for the Waterville Police Department, and responsible for the training and supervision of the police force.
5. At all times relevant to these claims, Joseph Massey was acting under the color of law as the Chief of Police for the Waterville Police Department and is sued in his official and individual capacity.
6. At all times relevant to these claims, Brian Gardiner was a police officer for the City of Waterville and acting under the color of state law as a police officer, and is sued in his individual capacity.
7. At all times relevant to these claims, Adam Sirois was a police officer for the City of Waterville and acting under the color of state law as a police officer, and is sued in his individual capacity.

III. JURISDICTION

8. The Court has jurisdiction under 42 U.S.C. §1983, 5 M.R.S. §4681 et seq., along with the common law and statutory law of the State of Maine.

9. All incidents alleged within this complaint occurred within Kennebec County, Maine.

IV. STATEMENT OF FACTS

10. Plaintiff Blake Harwood (hereinafter, "Plaintiff") is an individual residing in Hallowell, County of Kennebec, State of Maine.
11. Defendant Brian Gardiner (hereinafter, "Defendant Gardiner") is a police officer employed in that capacity with the city of Waterville, County of Kennebec, State of Maine.
12. Defendant Inland Hospital (hereinafter, "Defendant Inland") is a corporation with a principal place of business in Waterville, County of Kennebec, State of Maine.
13. Defendant John Doe (hereinafter, "Defendant Doe") is a currently unknown individual to the Plaintiff who is appropriately employed in the emergency room of Defendant Inland.
14. On or about August 5th, 2014, Plaintiff went to Maine General Hospital in Augusta, Maine seeking treatment for an eye infection, fungal rash, shortness of breath, dizziness and nausea.
15. While at Maine General Hospital Plaintiff was initially seen by nurse Jenna Marie Boulrissie.
16. After being maltreated by nurse Boulrissie and locked in a room at the hospital without legal authority and subsequently released. Plaintiff decided to go to Defendant Inland's facility in Waterville Maine.
17. Upon arriving at Defendant Inland's Emergency Room at approximately 9pm, Plaintiff was unable to locate anyone to assist him.
18. Feeling overwhelmed by his medical condition Plaintiff lay down on the floor of the Emergency Room.
19. John Doe, a person apparently employed by Defendant Inland in the Emergency Room found the Plaintiff.

20. Upon finding Plaintiff on the floor, Doe stated words to the effect of "If you don't get off the floor, fuck yourself".
21. Shortly after being spoken to by Doe, Defendant Gardiner and Officer Adam Sirois arrived in uniform, in his capacity as a Waterville Police Officer.
22. Immediately after arriving on the scene and, without provocation from the Plaintiff, Defendant Gardiner assaulted the Plaintiff by kicking him and kneeling him in the neck while calling him a "pussy".
23. As the Defendant's cuffed the Plaintiff, Defendant Gardiner unnecessarily tightened the handcuffs saying words to the effect of "is that tight enough pussy?"
24. In placing the Defendant in the car Defendant Gardiner threatened the Plaintiff by stating "don't cry pussy or I will mace you".
25. Defendant City of Waterville failed to adequately supervise Defendant Gardiner.
26. Defendant City of Waterville was negligent in training Defendant Gardiner.
27. Plaintiff suffered injuries to his neck and wrist as a result of Defendant's negligence.
28. Plaintiff suffered as a result of the Defendant's violation of his civil rights.
29. Plaintiff suffered injuries to his mental health.

V. CLAIMS FOR RELIEF

COUNT ONE

FALSE ARREST

(Pursuant to 42 U.S.C. § 1983 and Fourth Amendment of U.S. Constitution

and 5. M.R.S. § 4682 and Article 1 § 5 of the State of Maine Constitution)

30. The Plaintiff incorporates all previously alleged paragraphs as if alleged herein.
31. Officers Gardiner and Sirois arrested Mr. Harwood without a warrant or any probable cause to believe he committed any crime.
32. The Waterville Police Department and Joseph Massey failed to properly train and supervise Officer Gardiner and Officer Sirois in the proper procedure and determination of probable cause before making an arrest.
33. As a direct and proximate result of the false arrest, Mr. Harwood's right to be free from arrest absent probable cause was violated, and he suffered a loss of liberty, pain and suffering, physical injuries, medical expenses, legal expenses, fear and anxiety, and emotional distress.

COUNT TWO

EXCESSIVE FORCE

(Pursuant to 42 U.S.C. § 1983 and Fourth Amendment of U.S. Constitution

and 5. M.R.S. § 4682 and Article 1 § 5 of the State of Maine Constitution)

34. The Plaintiff incorporates all previously alleged statements as if alleged herein.
35. Officer Gardiner and Officer Sirois used an excessive and unreasonable level of force against Mr. Harwood in conducting the arrest.

36. Mr. Harwood was not resisting arrest or using or threatening any physical force against the officers at any point during their encounter.
37. The Waterville Police Department and Joseph Massey failed to properly train and supervise Officer Gardiner and Officer Sirois in the proper use of force in effectuating an arrest.
38. As a direct and proximate result of the excessive use of force, Mr. Harwood's right to be free from the excessive and unreasonable use of force was violated, and he suffered a loss of liberty, pain and suffering, physical injuries, medical expenses, legal expenses, fear and anxiety, and emotional distress.

COUNT THREE

MALICIOUS PROSECUTION

(Pursuant to 42 U.S.C. § 1983 and Fourth Amendment of United States Constitution and Common Law of the State of Maine)

39. The Plaintiff incorporates all previously alleged statements as if alleged herein.
40. The Defendant police officers acted maliciously in charging Mr. Harwood with criminal conduct in this matter as the officers knew or should have known there was no probable cause to support the charges.
41. The Waterville Police Department and Joseph Massey failed to implement a policy or custom to review the charges brought by its officers to assure probable cause existed before the charged proceeded.
42. As a direct and proximate result of the excessive use of force, Mr. Harwood's right to be free from the excessive and unreasonable use of force was violated, and he suffered a loss of liberty, pain and suffering,

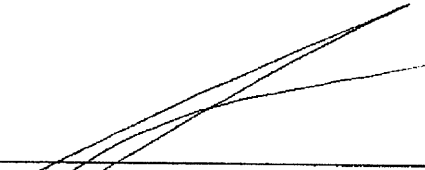
physical injuries, medical expenses, legal expenses, fear and anxiety, and emotional distress.

VI. REQUEST FOR RELIEF

43. As a result of the above constitutional violations the Plaintiff requests the following relief:

- i. Compensatory damages;
- ii. Punitive damages;
- iii. Attorney fees and costs pursuant to 42 U.S.C. § 1988, and 5 M.R.S. § 4683;
- iv. And all other monetary and equitable relief the Court finds appropriate.

DATED: January 5, 2016



Stephen C. Smith Bar No. 8720
Attorney for Plaintiff
LIPMAN & KATZ, PA
P.O. Box 1051
Augusta, Maine 04332
(207) 622-3711

SERVE

STATE OF MAINE

SUPERIOR COURT
Kennebec, ss.
 Docket No. CV-16-

DISTRICT COURT
 Location _____
 Docket No. _____

Blake Harwood Plaintiff

v.

SUMMONS

City of Waterville Defendant

One Common Street Address
Waterville, ME 04901

The Plaintiff has begun a lawsuit against you in the (~~District~~) (Superior) Court, which holds sessions at (street address) 1 Court Street, in the Town/City of Augusta, County of Kennebec, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer, by delivering a copy of it in person or by mail to the Plaintiff's attorney, or the Plaintiff, whose name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to the following address: Clerk of (~~District~~) (Superior) Court, 1 Court Street, Augusta, Maine 04330
 (Mailing Address) (Town, City) (Zip)

before, or within a reasonable time after, it is served.

IMPORTANT WARNING

IF YOU FAIL TO SERVE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU IN YOUR ABSENCE FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR EMPLOYER MAY BE ORDERED TO PAY PART OF YOUR WAGES TO THE PLAINTIFF OR YOUR PERSONAL PROPERTY, INCLUDING BANK ACCOUNTS AND YOUR REAL ESTATE MAY BE TAKEN TO SATISFY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS LAWSUIT, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.

If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

Date: 1/11/16

(Seal of Court)

Denise J. Bickard

Clerk

Stephen C. Smith Bar No. 8720
 (Attorney for) Plaintiff
PO Box 1051 Address
Augusta ME 04332-1051
207-622-3711 Telephone

1/12/16
 ARW

SERVE

SUPERIOR COURT
Kennebec, ss.
 Docket No. CV-16-

STATE OF MAINE

DISTRICT COURT
 Location _____
 Docket No. _____

Blake Harwood Plaintiff

v.

SUMMONS

Adam Sirios Defendant
Waterville Police Dept.
10 Colby Street Address
Waterville, ME 04901

The Plaintiff has begun a lawsuit against you in the (District) (Superior) Court, which holds sessions at (street address) 1 Court Street, in the Town/City of Augusta, County of Kennebec, Maine. If you wish to oppose this lawsuit, you or your attorney **MUST PREPARE AND SERVE A WRITTEN ANSWER** to the attached Complaint **WITHIN 20 DAYS** from the day this Summons was served upon you. You or your attorney must serve your Answer, by delivering a copy of it in person or by mail to the Plaintiff's attorney, or the Plaintiff, whose name and address appear below. You or your attorney must also file the original of your Answer with the court by mailing it to the following address: Clerk of (District) (Superior) Court, 1 Court Street, Augusta, Maine 04330
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If you believe the plaintiff is not entitled to all or part of the claim set forth in the Complaint or if you believe you have a claim of your own against the Plaintiff, you should talk to a lawyer. If you feel you cannot afford to pay a fee to a lawyer, you may ask the clerk of court for information as to places where you may seek legal assistance.

(Seal of Court)

Date: 1/11/16

Renee H. Edwards
 Clerk

Stephen C. Smith Bar No. 8720
 (Attorney for) Plaintiff
PO Box 1051 Address
Augusta, ME 04332-1051
207-622-3711 Telephone

CV-030, Rev. 09/97

1/12/16
 (ARW)